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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADAM SHANE AVILES, JR.,

Defendant.

Case No. 23-CR-161-ABJ

UNOPPOSED MOTION TO CONTINUE MOTIONS DEADLINE

Defendant Adam Shane Aviles, Jr., by and through his counsel David Weiss, Assistant Federal Public Defender, asks this Court to extend the motions deadline for two weeks from the current deadline of May 20, 2024 to June 3, 2024. A subsequent Superseding Indictment has been handed down in this matter with an additional charge of felon in possession of a firearm. Additionally, a voluminous amount of additional discovery was provided to Defendant on May 10th which counsel needs additional time to fully review, evaluate for Defendant's suppression motions.

Counsel has conferred with Assistant United States Attorney Paige Hammer regarding this motion, and AUSA Hammer has no objections to this extension.

Mr. Aviles was charged by Complaint on November 13, 2023, with one count of felon in possession of ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). (ECF No. 1.) Mr. Aviles was taken into federal custody on November 10, 2023, pursuant to a writ. (ECF No. 7.) Mr. Aviles was subsequently indicted on that same charge on November 15, 2023. (ECF No. 9.) His initial appearance on the Indictment was held on November 17, 2023, and counsel entered his appearance that same day. (ECF No. 13 & 14.) Mr. Aviles's arraignment and detention hearing was held on November 21, 2023. (ECF No. 20.) Jury Trial was set for January 22, 2024. (ECF No. 23.) Due to the Defendant being suspect in a homicide case and additional charges in another jurisdiction and the significant impact to his guidelines regarding these allegations, the Court granted Defendant's motion for an Ends of Justice Continuance and reset trial for April 1, 2024. (ECF No. 26.) On March 3, 2024, the Court granted Defendant's second Ends of Justice Continuance Motion and reset Mr. Aviles trial for June 24, 2024. (ECF No. 32.) Accordingly, the motions deadline is May 20, 2024. Defense counsel has been informed that the government has presented an additional charge of felon in possession of a firearm against Mr. Aviles and has been charged by Superseding Indictment.

The Defendant was provided new discovery on May 10, 2024. The discovery was not able to be uploaded for review by counsel until May 15. The discovery is voluminous, and counsel will not be able to complete his review by the current motion's deadline. Defense counsel has been informed that there is additional discovery evidence that relates to the new charge that will be contained in the

Superseding Indictment. Counsel and the Defendant need additional time to review new discovery and update draft suppression motions to include new items and evidence. Further, discussions between the parties regarding a revised plea agreement are contingent on the Defendant not filing a suppression motions.

Accordingly, Mr. Aviles asks this Court to continue the motions deadline to file any motions to suppress, motions to dismiss and motions for bill of particulars for two weeks to Monday, June 3, 2024.

DATED this 17th day of May 2024.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

/s/ David Weiss

David Weiss
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2024 the foregoing was electronically filed and consequently served on counsel of record.

/s/ David Weiss

David Weiss